

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

**AUG - 9 2005**

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_  
*Deputy*

RANDALL PRESTON McCALLUM,

Petitioner,

v.

2:05-CV-0136

DOUGLAS DRETKE, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

**ORDER OVERRULING OBJECTIONS,**  
**ADOPTING REPORT AND RECOMMENDATION and**  
**DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came this day for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On July 8, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be dismissed as time barred. Petitioner filed objections to the Magistrate Judge's Report and Recommendation on August 1, 2005. By his objections, petitioner appears to argue the statute of limitations in this case should run from the date his state habeas application was denied rather than from the date his parole revocation became final by the conclusion of *direct review* because the convicting state court allowed petitioner's state habeas application to proceed.

The undersigned United States District Judge has made an independent examination of the record in this case. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED.

Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED.

Let judgment be entered accordingly.

IT IS SO ORDERED.

ENTERED this 8<sup>th</sup> day of August 2005.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE